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17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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20 OAKLAND DIVISION

21 FUZZYSHARP TECHNOLOGIES
22 INCORPORATED,

23 Plaintiff,

24 vs.

25 INTEL CORPORATION,

26 Defendant.

27 Civil Action No. 12-CV-4413 YGR

28 SUPPLEMENTAL BRIEF

29 Plaintiff FuzzySharp Technologies Inc. ((“FST”) respectfully submits this Supplemental
30 Brief addressing the comments by the Court during the last few minutes of the Hearing held
31 October 9, 2013 concerning the obligation of the District Court to follow the Holding of the
32 Federal Circuit in the *3DLabs* case relating to the patents in this case. The undersigned attorney
33 expressed reservations as to reliance on that Federal Court Decision.

34 PLAINTIFF FUZZYSHARP TECHNOLOGIES INC.’S SUPPLEMENTAL BRIEF

35 FuzzySharp Technologies Inc. v. Intel Corp.

36 Civil Action No. 12-CV-4413 YGR

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1 It is respectfully requested that this short Supplemental Brief be entered and considered
2 by the Court.

3 Unfortunately, the Federal Circuit had no understanding of the claimed invention. At
4 Page 4, the last paragraph of the Decision, the Federal Court describes the claimed invention only
5 in terms of a plurality of viewpoints within a bounding box, and completely missed the disclosed
6 and claimed embodiment of a single viewpoint. This important claimed embodiment of a single
7 viewpoint was described in detail during the tutorials on October 2, 2013 and during the Hearing
8 on October 9, 2013. The single viewpoint is directly relevant to the issue of infringement.

9 Furthermore, the Federal Court failed to address the disclosed and claimed embodiment
10 of using bounding volume, a “box” to enclose a surface, even though this was in the example
11 claim 12 quoted by the Federal Court starting at page 6. The importance of the bounding
12 volume, the “box”, was described in detail during the tutorial and the Hearing. The “box” is
13 important limitation of the claimed invention for avoiding the removal of a surface from
14 calculations, either hidden or visible, from a conservative point of view so the final image does
15 not look strange such as having a finger sticking out of a wall.

16 The Federal Court at page 8 asserts that it assesses each claim on appeal separately;
17 however, if the Court did not actually understand the claims, it is not likely that a fair and
18 reasonable evaluation of the appealed claims was possible.

19 One might wonder what went wrong with that appeal. It is possible that the law firm
20 handling the appeal did not understand the claimed invention, or simply did not care if the
21 Federal Court correctly described the invention. No information is available to show that the law
22 firm asked for a correction. Fortunately, the case was remanded.

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Therefore, it is respectfully requested that this Court recognize the limited scope of the Decision of the Federal Court in the *3DLabs* case.

THE PLAINTIFF
FUZZYSHARP TECHNOLOGIES
INCORPORATED

Date: October 11, 2013

By: S/ David Fink
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Attorney for Plaintiff